

ESTTA Tracking number: **ESTTA315139**

Filing date: **11/04/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182197
Party	Plaintiff Jason Chall
Correspondence Address	Jason Chall Compuglobal Hypermeganet Inc. 3419 Hancock Street San Diego, CA 92110 UNITED STATES jaysun@sikworld.com
Submission	Motion for Summary Judgment
Filer's Name	Jason Chall
Filer's e-mail	jaysun@sikworld.com
Signature	/Jason Chall/
Date	11/04/2009
Attachments	sik_world_prod_declaration - smaller file.pdf ( 64 pages )(3728982 bytes ) sik_world_prod_motion.pdf ( 9 pages )(1041802 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Jason Chall,	)	
Compuglobal Hypermeganet Inc,	)	
Opposer,	)	
	)	Opposition No.: 91182197
v.	)	
	)	Mark: Sik Industries
Shelly Bailey,	)	Application Serial Number: 77155690
Applicant.	)	Application Filing Date: April 12, 2007
	)	

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**DECLARATION OF JASON CHALL IN SUPPORT OF OPPOSER'S MOTION  
FOR SUMMARY JUDGEMENT**

1. I am the owner of Compuglobal Hypermeganet Inc. and holder of two registered trademarks. I make this declaration of my personal knowledge, and if called as a witness, could testify competently to each of the following facts.

2. Exhibit A – Attached hereto is a copy of the trademark registration of Sik World Productions.

3. Exhibit B - Attached hereto are copies of pages from the Sik World Productions Catalogs from 1995-present. The appropriate items have been circled in red.

4. Exhibit C – Attached hereto are copies of stickers and other promotional items (guitar pick shown here) that have been produced by Sik World Productions.

5. Exhibit D – Attached hereto is a copy of a collar tag applied to Sik World Productions garments.

6. Exhibit E – Attached hereto is a copy of the trademark registration of Sik.

7. Exhibit F – Attached hereto is a scan of a Sik World Productions imprint on a thong underwear sample.

8. Exhibit G – Attached hereto is a sample of images of Internationally successful recording artists wearing Sik World Productions garments that have been copied from national or international periodical publications along with captions for some to show sales figures.

9. Exhibit H – Attached hereto is a copy of the message that was sent to the Baileys via Myspace on March 29, 2007.

10. Exhibit I - Attached hereto is a copy of the message that was sent to the Baileys via Myspace on April 9, 2007.

11. Exhibit J – Attached hereto is a copy of the consignment of Sik Industries to Windjammer Gift Emporium.

12. Exhibit K – Attached hereto is a copy of the phone contact records and invoice history of Sik World Productions to Windjammer Gift Emporium.

13. Exhibit L – Attached hereto are copies of images of logo based garments dating from 1995 to present.

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed on November 4, 2009 in San Diego, California.

Jason Chall

A handwritten signature in black ink, appearing to read 'Jason Chall', is written over a horizontal line.

**CERTIFICATE OF MAILING AND SERVICE**

I certify that on November 4, 2009, the foregoing **DECLARATION OF JASON CHALL IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGEMENT** is being sent electronically to:

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on November 4, 2009, the foregoing **DECLARATION OF JASON CHALL IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGEMENT** is being served by mailing a copy thereof by first-class mail addressed to:

Shelley Bailey  
34038 Nebraska Lane  
Yucaipa, California 92399-2334

By \_\_\_\_\_



Jason Chall  
President/Compuglobal Hypermeganet Inc.  
3419 Hancock Street  
San Diego, California 92110  
619-325-4400

# EXHIBIT A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 2,940,068**

Registered Apr. 12, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**SIK WORLD  
PRODUCTIONS**

CHALL, JASON (CALIFORNIA SOLE PROPRIETORSHIP)  
3419 HANCOCK ST.  
SAN DIEGO, CA 92110

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: CLOTHING, NAMELY, MENS AND WOMENS SHIRTS, T-SHIRTS, SHORTS, HATS, CAPS, BEANIES, BLOUSES, UNDERWEAR, JACKETS, SWEATSHIRTS, THONGS, PANTIES, AND INFANTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

OWNER OF U.S. REG. NO. 2,039,003.

SER. NO. 78-394,130, FILED 3-31-2004.

FIRST USE 3-1-1995; IN COMMERCE 3-1-1995.

MIDGE BUTLER, EXAMINING ATTORNEY



## United States Patent and Trademark Office

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## Trademark Assignment Assignor Details

**Assignor Name : JASON CHALL****Total Assignments: 1****Assignment: 1****Reel/ Frame:** [3762/0105](#)**Pages:** 3**Received:** 04/17/2008**Recorded:** 04/17/2008**Attorney Dkt # :** 90764**Conveyance:** NUNC PRO TUNC ASSIGNMENT**Assignor**1 [JASON CHALL](#)**Exec Dt:** 04/14/2008**Entity Type:** SOLE PROPRIETORSHIP**Citizenship:** CALIFORNIA**Assignee**1 [COMPUGLOBAL HYPERMEGANET, INC.](#)

3419 HANCOCK STREET

SAN DIEGO, CALIFORNIA 92110

**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Property****Ser. #      Reg. #**[78394130](#)   [2940068](#)**Correspondence name and address**

ROSS A. EPSTEIN

112 S. WEST STREET

ALEXANDRIA, VA 22314

Search Results as of: 10/29/2009 03:29 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at .  
Web interface last modified: October 18, 2008 v.2.0.2[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

# **EXHIBIT B**



# sik world productions



toll-free (888) SIKNESS phone (619) 294.2744 fax (619) 294.9708





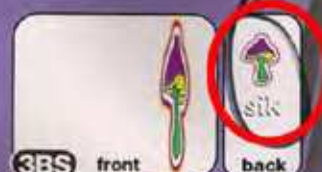
**T** T-shirt Assorted Colors - Screen Printed  
100% Cotton L & XL unless otherwise noted



**R** Ringer White w/ass. color trim - Dye Sub  
100% Cotton L & XL unless otherwise noted



**3SP** front back  
Shroom Patch T-shirt  
available in M, L & XL



**3BS** front back  
Big Shroom T-shirt



**403T** front back  
Om T-shirt Litho Trans



**404T** front back  
Eye of Ra T-shirt Litho Trans



**502R** front  
Budz Logo Ringer



**503R** front  
Oversize Load Ringer



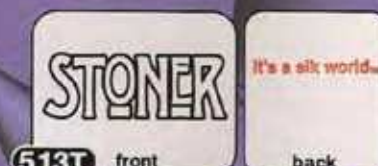
**509R** front  
420 o' Budz Ringer  
same back as 504R



**508T** front back  
LED 4:20 T-shirt



**512T** front back  
KTHC 420FM T-shirt



**513T** front back  
Zep Stoner T-shirt



**808R** front back  
Boots Ringer



**812T** front back  
Rockstar Glitter Print T-shirt



**813T** front back  
SILK T-shirt



**6662T** front back  
Satanic Glitter Print T-shirt



**6663T** front back  
Evil Glitter Print T-shirt



**6664T** front & back  
Satanic Sport T-shirt









**T** T-shirt Assorted Colors - Screen Printed  
100% Cotton L & XL unless otherwise noted



6668T front



back

**Satan Inside T-shirt**



6669T front



back

**Satanic Graffiti T-shirt**



66610T front



back

**Satan's Soldiers Camo T-shirt**



66611T front



back

**LED 666 T-shirt**

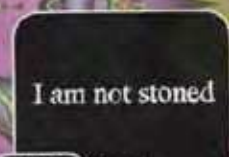


66612T front



back

**McSatan T-shirt**

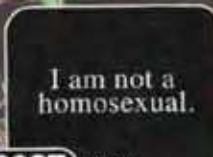


902T front



back

**I am not Stoned T-shirt**  
Black Only



903T front



back

**I am not a Homo T-shirt**  
Black Only



904T front



back

**I am a Virgin T-shirt**  
Black Only

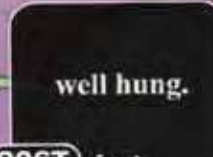


905T front



back

**Drugfree T-shirt**  
Black Only



906T front



back

**Well Hung T-shirt**  
Black Only



907T front



back

**I Look Better Naked T-shirt**  
Black Only

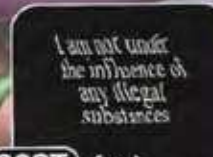


908T front



back

**I am not Drunk T-shirt**  
Black Only



909T front



back

**I am not under the Influence T-shirt**  
Black Only



910T front



back

**Chick Magnet T-shirt**  
Black Only





**C Coral Dye** Assorted Colors L & XL  
100% Cotton



**D Tye Dye** Assorted Colors L & XL  
100% Cotton



**H Hooded Sweat Shirt** Ass. Colors  
90% Cotton/10% Poly - Screen Printed L & XL

**STONER**

**513H**

front

It's a silk world...

back

**Zep Stoner Hoodie**



front



back

**3TD ShroomTye Dye**



front



back

**3CD Shroom Coral Dye**



front



back

**Infinity Dyes**  
401D Litho Trans Tye Dye  
401C Litho Trans Coral Dye



front



back

**Yin-Yang Dyes**  
402D Litho Trans Tye Dye  
402C Litho Trans Coral Dye



front



back

**Om Dyes**  
403D Litho Trans Tye Dye  
403C Litho Trans Coral Dye



front



back

**Eye of Ra Dyes**  
404D Litho Trans Tye Dye  
404C Litho Trans Coral Dye



front



back

**Peace Dyes**  
405D Litho Trans Tye Dye  
405C Litho Trans Coral Dye



front



back

**Ankh Dyes**  
406D Litho Trans Tye Dye  
406C Litho Trans Coral Dye



**6664H**

**Satanic Sport Hoodie**



front



back

**6665H**

**Supersatan Hoodie**





**Black Girl Ringer** 100% Cotton  
Black Body/White Trim Small & Medium



**White Girl Ringer** 100% Cotton  
White Body/Ass. Color Trim Small & Medium



**Bikini Panty** 100% Cotton  
One Size - Black Only



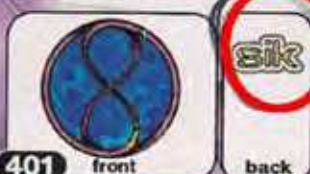
3CG

front



back

**Cosmic Shroom Ringer**  
White Ringer with Dye Sub



401

front



back

**Infinity Ringer**  
B-Black Ringer with Litho Trans  
G-White Ringer with Litho Trans



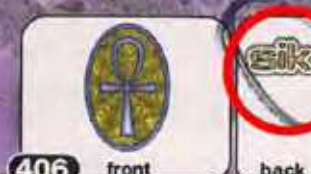
402

front



back

**Yin-Yang Ringer**  
B-Black Ringer with Litho Trans  
G-White Ringer with Litho Trans



406

front



back

**Ankh Ringer**  
B-Black Ringer with Litho Trans  
G-White Ringer with Litho Trans



601

front



back

**Hot Shit**  
BR-Screen Printed Black Ringer  
ST-Screen Printed Black Spaghetti



611

front

**Sik Chick**  
BR-Screen Printed Black Ringer  
ST-Screen Printed Black Spaghetti Tank



610

front



back

**Wave-Dye Sub**  
GR-White Ringer RT-Ringer Tank  
SR-Spaghetti Ringer  
HT-Halter Top - Front only



613

front



sides

**Deco Sides-Dye Sub**  
GR-White Ringer RT-Ringer Tank  
SR-Spaghetti Ringer  
HT-Halter Top - Front only



614

front



back

**Furry Logo-Dye Sub**  
GR-White Ringer RT-Ringer Tank  
SR-Spaghetti Ringer  
HT-Halter Top - Front only



66613G

front



back

**My Heart Belongs to Satan Girl Shirt**  
One Size - Pink Shirt Only



904G

front



back

**I am a Virgin Ringer**  
Black Only



907G

front



back

**I Look Better Naked Ringer**  
Black Only



114

**GET THE FUCK AWAY FROM ME**  
G-Black Ringer  
W-Black Spaghetti Tank  
PT-Black Panty



116

**FUCKER**  
G-Black Ringer  
W-Black Spaghetti Tank  
PT-Black Panty



117

**I DON'T GIVE A FUCK**  
G-Black Ringer  
W-Black Spaghetti Tank



126

**SIK FUCK**  
G-Black Ringer  
W-Black Spaghetti Tank



127

**FUCK THIS**  
G-Black Ringer  
W-Black Spaghetti Tank





**C** Baseball Cap 100% Cotton with Embroidery

**111**  
**FUCK YOU  
YOU  
FUCKIN'  
FUCK**

**C**-Black Baseball Cap  
**B**-Black Beanie

**113**  
**FUCK  
EVERYTHING**

**C**-Black Baseball Cap

**114**  
**GET THE FUCK  
AWAY FROM ME**

**C**-Black Baseball Cap



**B** Knit Beanie 100% Cotton with Embroidery

**121**  
**FUCK  
THE OTHER  
TEAM**

**C**-Black Baseball Cap

**126**  
**SIK  
FUCK**

**C**-Black Baseball Cap  
**B**-Black Beanie

**127**  
**FUCK  
THIS**

**C**-Black Baseball Cap



**FL** Floppy Hat 100% Cotton with Embroidery

**158**  
**FUCK SKIERS**

**B**-Black Beanie

**132**  
**FUCK CHRISTMAS**

**H**-Santa Cap



**C**-Ass. Color Baseball Cap  
**B**-Ass. Style Beanie



**C**-Ass. Color Baseball Cap  
**B**-Ass. Style Beanie



**C**-Black Baseball Cap  
**B**-Black Beanie  
**FL**-Floppy Hat



**C**-Black Baseball Cap  
**B**-Black Beanie



**H** Santa Cap with Embroidery

front  
**I am not stoned**

**902**  
**C**-Black Baseball Cap

back  
**LIAR.**

front  
**drugfree**

**905**  
**C**-Black Baseball Cap

back  
**LIAR.**





C-Black Baseball Cap



C-Black Baseball Cap  
B-Black Beanie  
FL-Floppy Hat



C-Black Baseball Cap



C-Black Baseball Cap  
B-Black Beanie



C-Black Baseball Cap  
FL-Floppy Hat



C-Black Baseball Cap



C-Black Baseball Cap



C-Black Baseball Cap



C-Ass. Color Baseball Cap  
B-Ass. Style Beanie



C-Ass. Color Baseball Cap  
B-Ass. Style Beanie



C-Ass. Color Baseball Cap  
B-Ass. Style Beanie



C-Ass. Color Baseball Cap  
B-Ass. Style Beanie



C-Black Baseball Cap  
B-Black Beanie



C-Black Baseball Cap  
B-Black Beanie



C-Black Baseball Cap  
B-Black Beanie



907 C-Black Baseball Cap



908 C-Black Baseball Cap







**SIK WORLD  
PRODUCTIONS**



# SIK WORLD PRODUCTIONS

100% Cotton • Screen Printed Fronts



\$10

name Glitter Butterfly  
color Lilac  
item# 617GT size Small



\$9

name Red Dragons  
color Black  
item# 618GT size Small



\$9

name Deco Sides  
color Red  
item# 613GT size Small



\$9

name Attraction/Danger  
color Black  
item# 620GT size Small



\$10

name Glitter Dragons 3/4 Sleeve  
color Powder Blue w/ Navy Sleeve  
item# 621GT size Small



\$9

name Fractal Spag Tank  
color Red  
item# 622G size Small



\$9

name Evil Glitter  
color Pink  
item# 6663GT size Small



\$9

name My Heart Belongs to Satan  
color Pink  
item# 66613G size Small



\$9

name I Love Your Boyfriend  
color Black with White Trim  
item# 619GR size Small & Med.



\$9

name I Love DJs  
color Black  
item# 616G size Small



\$9

name God is a DJ  
color Lilac  
item# 623G size Small

toll-free (888) SIKNESS

www.sikworld.com

all images © 2006 sik world productions





**sik world productions**

toll-free (888) SIKNESS • phone (619) 294-2744 • fax (619) 282-0131 • [www.sikworld.com](http://www.sikworld.com)

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# SIK WEAR 100% Cotton Ts



toll-free (888) SIKNESS

[www.sikworld.com](http://www.sikworld.com)



# HATS

## Baseball Caps

100% Cotton Twill • Black Only • Embroidered Front • Plastic Snap Back



## Embroidered Knit Beanie



## Knit-in Beanie



## Floppy Hats

100% Cotton • Black Only  
Embroidered Front

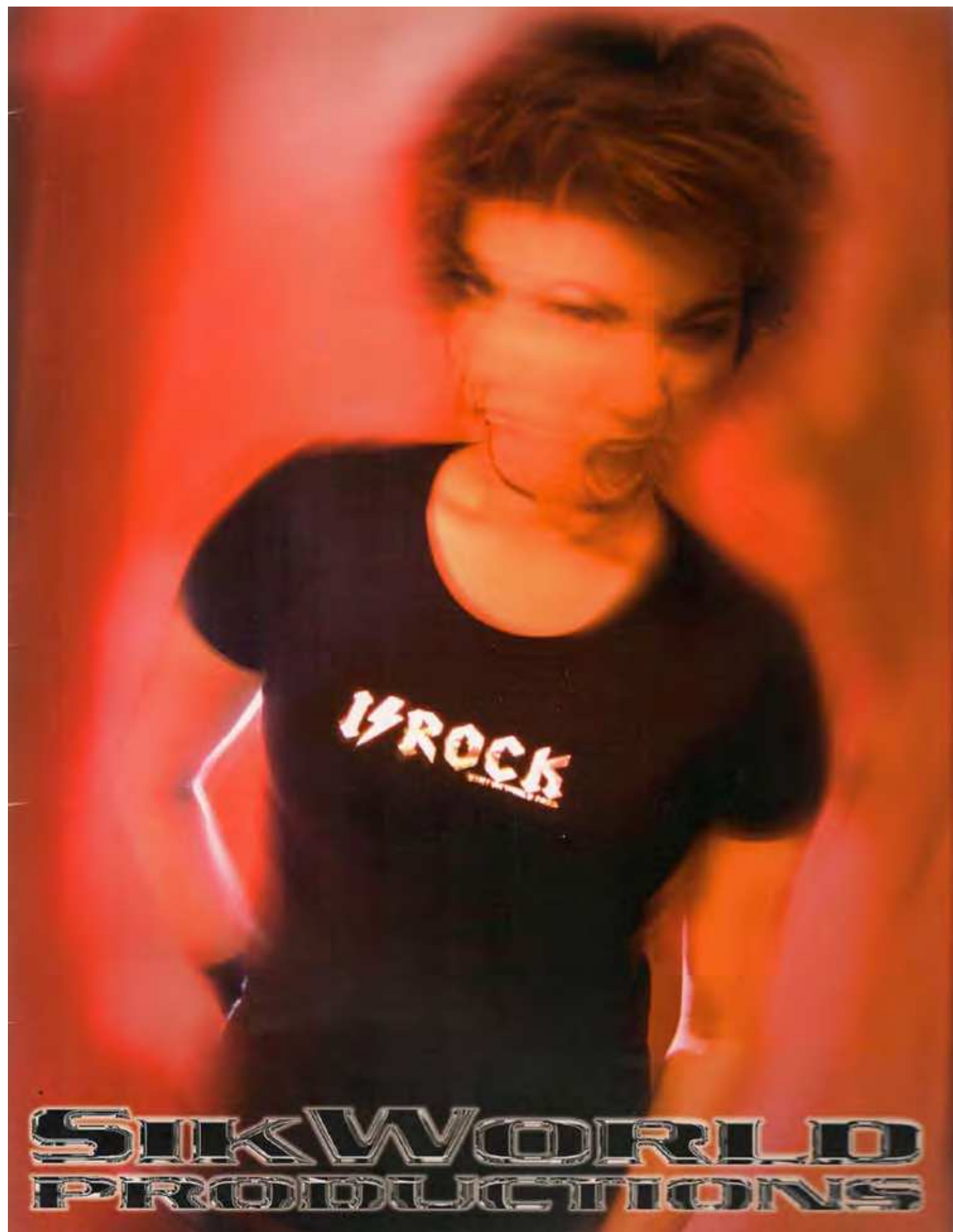


## Santa Cap



toll-free (888) SIKNESS

www.sikworld.com



**SIK WORLD**  
**PRODUCTIONS**







# WOMEN'S T-SHIRTS 6



# 11 SIK T-SHIRTS



837T

**Tribal SIK T-shirt**  
100% Cotton. Screen Print  
Sizes: Large, XL & XXL  
Colors: Black Only



821T

**Smoke Crack T-shirt**  
100% Cotton. Screen Print  
Sizes: Med., Large, XL & XXL  
Colors: Black Only



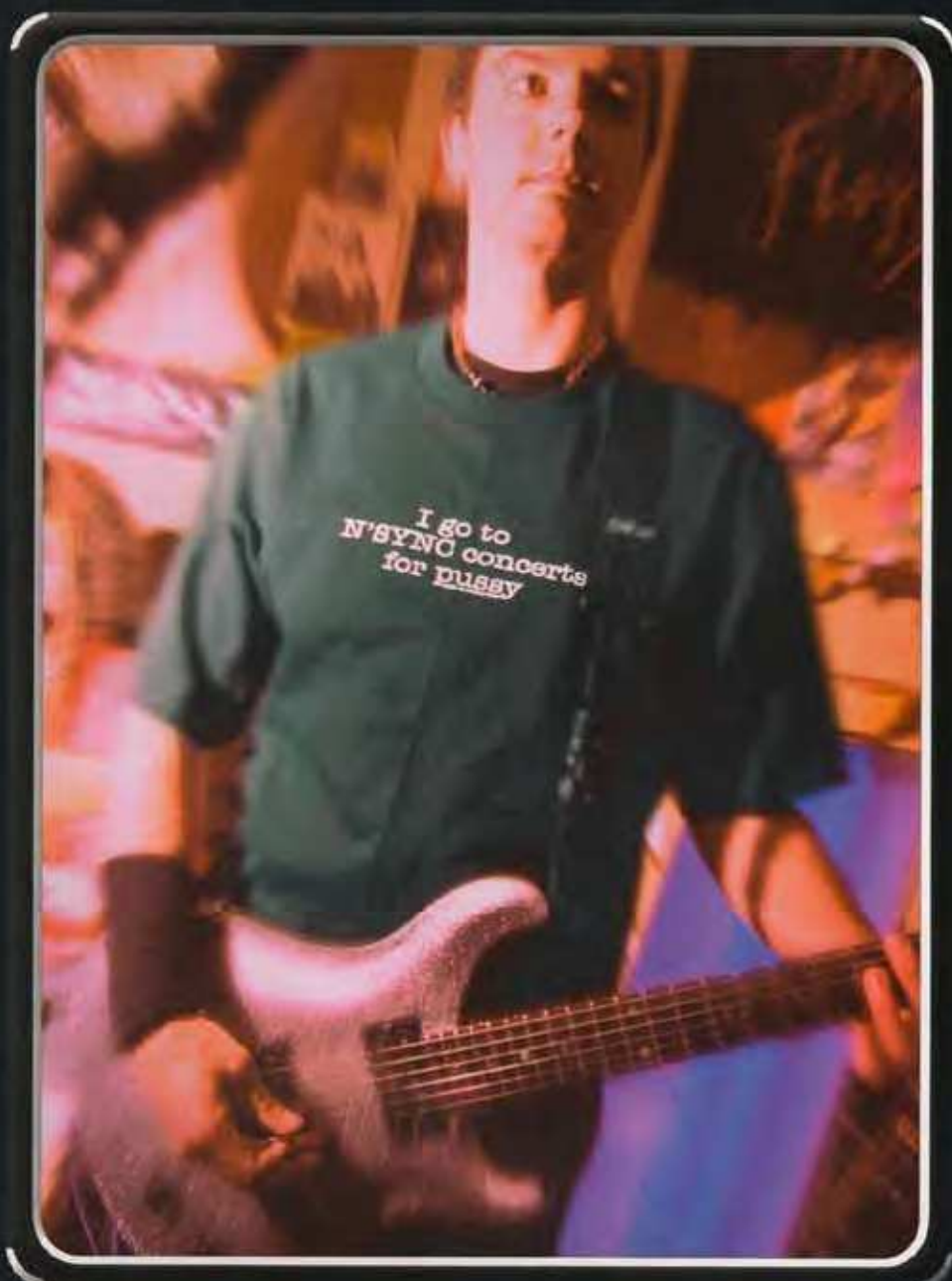
822T

**My Balls Itch T-shirt**  
100% Cotton. Screen Print  
Sizes: Med., Large, XL & XXL  
Colors: Black Only



834T

**Flames Logo w/ Side Prints T**  
100% Cotton. Screen Print  
Sizes: Large, XL & XXL  
Colors: Black Only



825T

**I Love Your Daughter T-shirt**  
100% Cotton. Screen Print  
Sizes: Large, XL & XXL  
Colors: Black Only



812T

**Rockstar T-shirt**  
100% Cotton. Screen Print  
Sizes: Med., Large, XL & XXL  
Colors: Black & Royal Blue



833J

**SIK Flames Hockey Jersey**  
100% Polyester. Screen Print  
Sizes: Large, XL & XXL  
Colors: Black with Flames



**Baseball Caps** - 100% Cotton Twill. Black Only.  
Embroidered Front. Plastic Snap Back.



### Embroidered Beenies



### Knit-In Beenies



## ACCESSORIES 20

### Coffee Mugs



### Greeting Cards



**YOU SAY  
MOTHER  
FUCKER**  
AS IF IT'S A BAD THING

### Plastic Key Chains

Available with the following:

- 111PK Fuck You, You Fuckin' Fuck
- 112PK People Suck
- 113PK Fuck Everything
- 114PK Get the Fuck Away From Me
- 115PK Fuck 'Em If They Can't Take a Toke
- 116PK Fucker
- 117PK I Don't Give a Fuck What You Think
- 119PK Asshole
- 121PK Fuck The Other Team
- 123PK Fuck Your Computer

- 128PK Fuck Me
- 131PK Fuck It
- 134PK Fuck Tweakers
- 135PK Fuck The DJ
- 136PK [www.fuckoff.com](http://www.fuckoff.com)
- 137PK Fuck Work
- 142PK I Fucked Your Boyfriend
- 143PK I Fucked Your Girlfriend
- 149PK My Inner Child is a Mean Little Fucker
- 150PK Dont Fuck With Me
- 160PK Fuck Your Honor Student
- 161PK You Say Tomato, I Say Fuck You
- 162PK I'd Rather Be Fucking
- 167PK Fuck Off, I've Got Enough Friends
- 168PK Been There, Fuck That
- 169PK What Part of Fuck Off Don't You Understand?
- 171PK Fuck Bush
- 172PK Phuck Phish
- SPPK Fuck Me, I'm Irish
- 174PK Fuck Napster
- 175PK Fuck Off, I'm Mixing

- 176PK Fuck Me. I'm Mexican
- 177PK Fuck Me, I'm Famous
- 178PK You Say Motherfucker As If It's a Bad Thing
- 179PK I Just Wanna Fuck
- 180PK Fuck Fake Tattoos
- 211PK I'm on Drugs. What's Your Excuse?
- 213PK I'm an Asshole. What's Your Excuse?
- 214PK I Watch a lot of Porn. What's Your Excuse?
- 216PK I Like Pain. What's Your Excuse?
- 218PK I Masturbate a lot. What's Your Excuse?
- 219PK I'm Drunk. What's Your Excuse?
- 902PK I am not stoned/Liar
- 904PK I am a virgin/Liar
- 907PK I look better naked/Liar
- 913PK I won't hurt you/Liar





**SIUK WORLD**



# ACCESSORIES & STICKERS 10



119C



6663C



119B



6663B



66614BP



66614BG



66614BS

**211S**  
**I'M ON DRUGS**  
WHAT'S YOUR EXCUSE?

**213S**  
**I'M AN ASSHOLE.**  
WHAT'S YOUR EXCUSE?

**214S**  
**I WATCH A LOT OF PORN.**  
WHAT'S YOUR EXCUSE?

**215S**  
**I'M A BITCH.**  
WHAT'S YOUR EXCUSE?

**524S**  
**DON'T SMOKE POT**

**528S**  
**SMOKING POT SUCKS**

**531S**  
**SAY NO TO DRUGS**

**817S**  
Peace, Love  
and all that shit

**822S**  
**My Balls Itch**

**823S**  
**I ♥ VINYL**

**829S**  
I go to  
N'SYNC concerts  
for pussy

**835S**  
**SHOW ME YOUR TITS**

**839S**  
**ask me about my penis**

**637S**  
**got dick?**

**850S**  
**GIRLFRIENDS SUCK**

**644S**  
**Boyfriends Suck**

**907S**  
**I look better naked.**

**836S**  
**STOP FOLLOWING ME**

**843S**  
**COPS ♥ ME**

**845S**  
**It's Been 8 Days Since My Last Fatal Accident**

**???S**  
**I'M NOT WEARING ANY PANTS**

**665S**  
**SIZE MATTERS**

**531S**  
**Friends don't let friends have mullets.**

**841S**  
**I have the biggest dick in the band**

**820S**  
**DJ's don't share needles**

**856S**  
**YOUR GOD HATES ME**

toll free 888-SIKNESS

[www.sikworld.com](http://www.sikworld.com)

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# SIK WORLD

IT AIN'T GONNA LICK ITSELF

WINTER  
2003



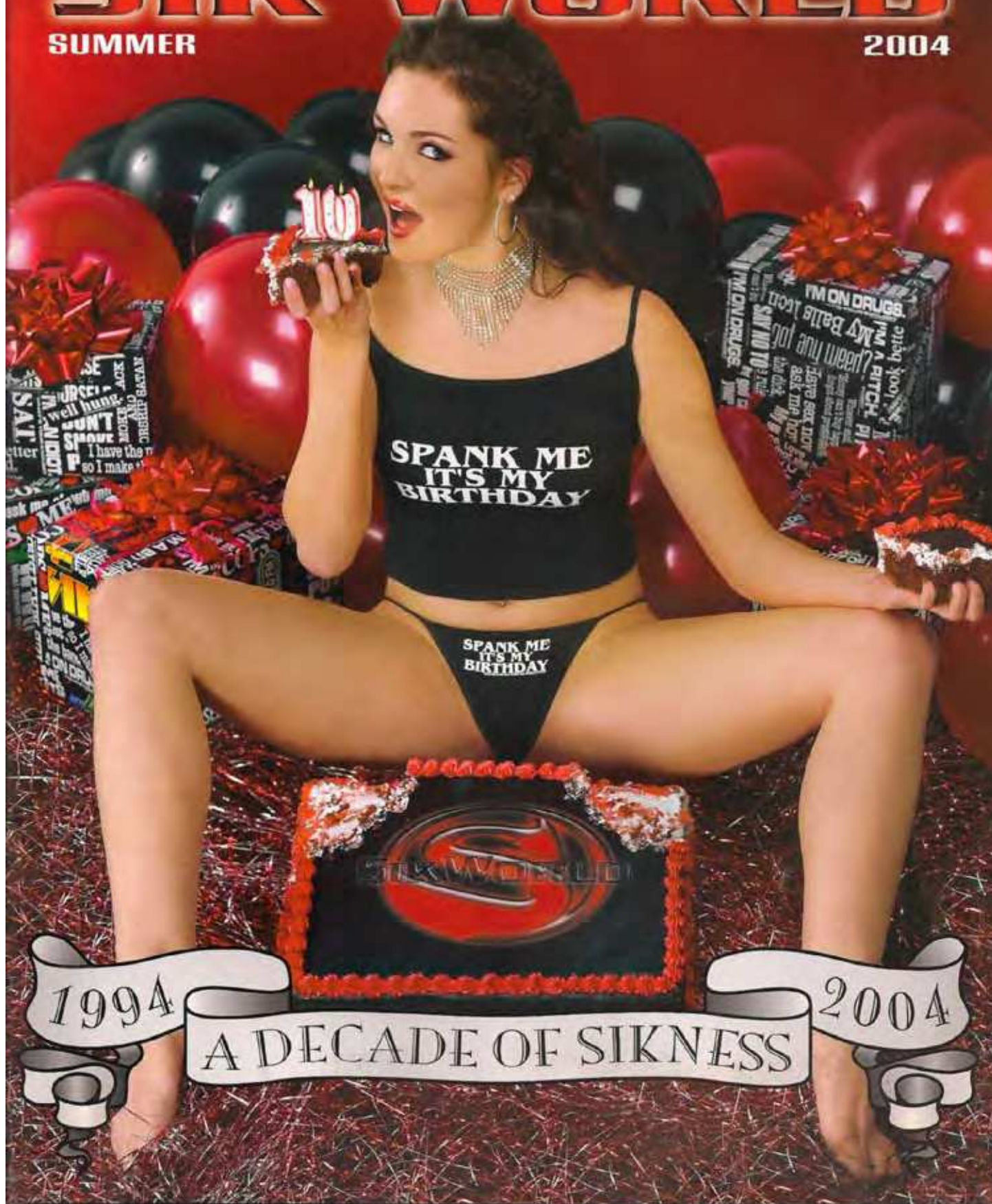




# SIK WORLD

SUMMER

2004





# 29 KNIT BEENIES



66614BR



# BASEBALL CAPS



ONE SIZE - ADJUSTABLE SNAP BACK



BCF  
SPIKES FRONT  
MED. & LARGE

toll-free 888-SIKNESS

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www.sikworld.com

# SIK WORLD

SUMMER

2005







# SIK T-SHIRTS

18

100% cotton. Screen Printed. Available in color shown. Sizes available: Small, Med., Large, XL & XXL unless otherwise noted.

8020T

I ♥ BOOBIES

8019T

IT'S MY DICK

8018T

I ♥ AMERICA  
I ♢ BUSH

8017T

8016T

DON'T BITE THE DICK  
THAT FUCKS YOU

8015T

I DON'T WORSHIP  
THE DEVIL

8014T



8013T

POSSIBLE T-SHIRT  
MAKE MY DICK LOOK BIG?

8010T



8008T

YOU DIDN'T LOSE  
YOUR GIRLFRIEND

8006T

I'M JUST HERE  
TO GET LAID

8005T

MANWHORE

8004T

SLUTS ♥ ME

8003T

SEVEN  
TEN

8002T

8001T



899T



898T

MY GIRLFRIEND SUCKS

897T

YOU SUCK

894T

I ♥ BIG FAKE TITS

893T

SPANK ME  
IT'S MY  
BIRTHDAY

889T

ON YOUR  
KNEES

885T

DON'T BE A PUSSY  
EAT ONE

882T



880T

WWMPD

878T

Smell my finger

876T

Whoever said,  
"Money can't buy happiness"  
right about prostitution

874T

My god can beat up  
your god.

873T

I have the dick,  
so I make the rules.

872T

Have sex now,  
ask me how.

toll-free 888-SIKNESS

www.sikworld.com

all images ©2005 SIK World Productions. All rights reserved. Photo by [unreadable] [unreadable]



# STREET FASHION

Winter 2009



100% cotton. Screen Printed. Available in color shown.  
 Sizes available: Small, Med., Large & XL & XXL.  
 Plus Sizes where noted: 3X T-shirt only

# Sik T-shirts

11



# EXHIBIT C







# **EXHIBIT D**





# **EXHIBIT E**

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 3,582,151**

Registered Mar. 3, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**SIK**

COMPUGLOBAL HYPERMEGANET INC. (CALI-  
FORNIA CORPORATION)  
3419 HANCOCK ST.  
SAN DIEGO, CA 92110

FOR: T-SHIRTS; BOXER SHORTS; PANTIES;  
SHORTS AND BRIEFS; UNDERWEAR, NAMELY,  
BOY SHORTS; HATS; CAPS; BEANIES; BLOUSES;  
UNDERWEAR; SWEAT SHIRTS; THONGS; IN-  
FANTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-1-1995; IN COMMERCE 3-1-1995.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,940,068.

SER. NO. 77-203,714, FILED 6-12-2007.

KAELIE KUNG, EXAMINING ATTORNEY



# **EXHIBIT F**





# **EXHIBIT G**



Band: Disturbed  
Multi-Platinum Sales  
Photo from Hit Parader Magazine





Band: Aerosmith  
Multi-Platinum Sales  
Photo from Rolling Stone Magazine





Band: Children of Bodom  
International Recording Artist  
Photo from Total Guitar Magazine



Artist: Eminem  
Multi-Platinum Sales  
Photo from Face Magazine

ask me *about* my penis

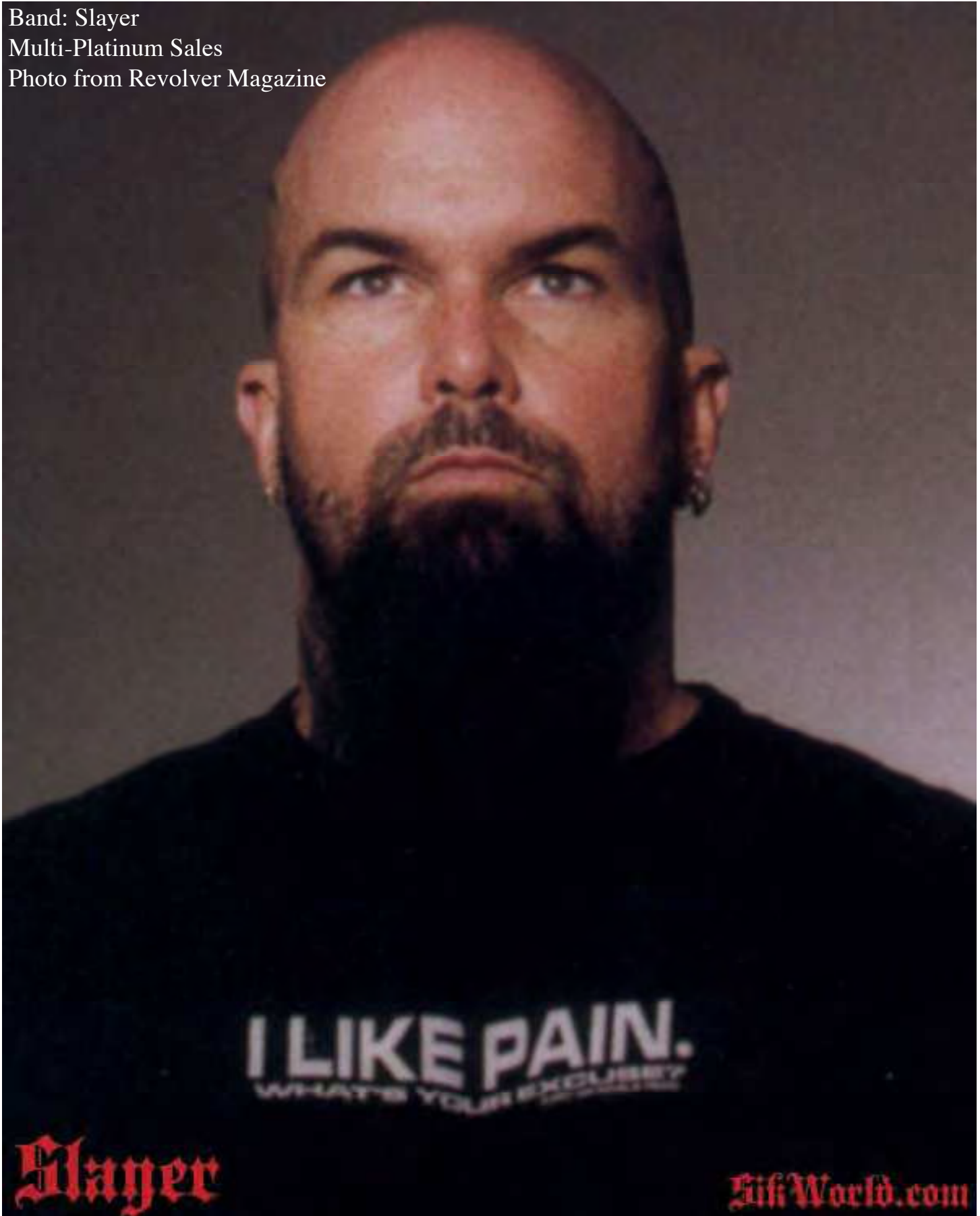
**Eminem**

**SikWorld.com**

Band: Slayer

Multi-Platinum Sales

Photo from Revolver Magazine



**Slayer**

[SifiWorld.com](http://SifiWorld.com)



# EXHIBIT H

Shelley-

I've tried to give you a call a bunch of times, but haven't had any luck getting you on the phone. We have a mutual friend, Dirty D, and I've noticed that you recently started a clothing company. Unfortunately, your use of the name SIK Industries is confusingly similar to the name that I've had trademarked for over 10 years. I don't send this message because I like to cause problems, but I'm required by law to protect my trademark in order to maintain it. I hate to be "that guy" because I have to deal with stuff like this all the time and I know it sucks, but I have to ask that you stop using the name SIK Industries. I understand that this isn't an official 'cease and desist' but I wanted to start with the personal route because I hate to get the legal stuff involved. I know this is not the type of message you'd be looking forward to, but in this limited market, your company's name and mine are a bit too similar. I'm afraid that I have to ask that you stop using the name "Sik Industries" and no longer print the mark "Sik" on garments. I'll be checking your myspace and web page in a month to confirm that you are in compliance, otherwise I'll have to get lawyers involved. If you'd like to discuss this with me, I'd be more than happy to talk about it. You can reach me at 619-325-4400. Like I said, I'm sorry that I have to do this, but I really have no choice.

I've sent this message to your myspace and Sik Industries web page to make sure that you receive it.

Sincerely,  
Jaysun  
Sik World Productions

SENT 3/29/07



# **EXHIBIT I**

Brett-

I've been giving it a lot of thought and trying to come up with a solution to the situation that would allow you to continue producing Sik Industries clothing. Unfortunately I haven't been able to come up with anything reasonable and my legal advisors tell me that it has to stop in order to protect my trademark. I understand that you've invested a bunch of time and money into the clothes that you've made, but the issue remains that the name you've chosen to promote and apply to your clothing is confusingly similar to the brand that I've been establishing for over 10 years.

At this time, I have no choice but to restate my request for you to discontinue the use of the Sik Industries name and production of clothing displaying images using the word "Sik" regardless of placement or backward positioning of any of the letters. I'll be monitoring your Myspace page and website, and will be expecting to see both discontinued no later than 30 days from the time you receive this message. If there is no change I will have to allow my lawyers to proceed with legal action which will include sending cease and desist letters to the shops you sell your garments, any publications in the Southern California area that would be appropriate for advertising your garments and Myspace. Please understand, I don't do any of this to be malicious, but only to protect over 10 years of hard work.

I've sent this message to your myspace and Sik Industries web page to make sure that you receive it.

Sorry 'bout this,  
Jaysun

SENT April 9, 2007



# **EXHIBIT J**

# Purchase Order

## Windjammer Gift Emporium

168 South E Street  
San Bernardino, CA 92401  
Phone: 909 889-6026

Received: 3/07/07  
Invoice Date: 3/01/07  
Invoice Number: shelly

<b>Vendor</b> Silk Industries 34268 Forest Oaks Drive Yucca, CA 92399  951-756-0373      Fax:
--

<b>Ship To</b> Windjammer Gift Emporium 168 South E Street San Bernardino, CA 92401
--

PO Number	Account #	Ship By	Terms	Date	Purchaser
0307-307750			COD CHECK	1 MAR 07	Ramon M Freyre

Vendor SKU	Our SKU	Description	Quantity	Received	Cost	Total
Note: this is a consignment order						
SHOOD	119956	SIK HOODY ASSORTED SZ	5.00	5.00	30.00	150.00
SIKLS	1199957	SIK LONG SLEEVE ASSORTED SZ	12.00	12.00	12.00	144.00
SIKMENT	114652	SIK MEN TEE ASSORTED SZ	53.00	53.00	10.00	530.00

\* Indicates Price was adjusted

SubTotal: 824.00  
 Freight: 0.00  
 Tax On Order: 0.00  
 Tax On Freight: 0.00  
**Total: 824.00**



# **EXHIBIT K**

Notes/History Tab  
 Subject: MONA - WINDJAMMER GIFT EMPORIUM  
 Notes, Histories, Attachments  
 Dates: All  
 Users: All  
 Database: LEAD2005RICE

Date	Time	Type	Regarding	Record Manager	Attachment
5/23/2008	1:41 PM	Note	CLERK/"She's gonna have an order for you monday."/TOLD HER TO GET AHOLD OF ME TUES.	RICE	
5/19/2008	3:19 PM	Note	LM W/MARY	RICE	
5/15/2008	2:09 PM	Note	NEVER GOT LOG/DIDN'T HAVE SUITE #/SENT ANOTHER	RICE	
5/7/2008	3:18 PM	Note	MARY/"In Friday."	RICE	
4/9/2008	3:44 PM	Note	LM W/MARY	RICE	
3/25/2008	4:06 PM	Note	LM W/CLERK	RICE	
3/12/2007	10:59 AM	Field Changed	Last Results - ORDERED	RICE	
3/12/2007	10:36 AM	Note	FAX \$292	RICE	
2/23/2007	1:45 PM	Note	LUNCH	RICE	
2/23/2007	9:29 AM	Note	ask if THEY KNOW WHO SIK INDUSTRIES IS	RICE	
12/7/2006	3:00 PM	Field Changed	Last Results - HASNT ORDERED IN OVER A	RICE	
12/7/2006	2:59 PM	Note	LM AGAIN	RICE	
11/21/2006	3:53 PM	Note	ON OTHER LINE	RICE	
11/20/2006	3:44 PM	Note	BZY REQ CB TOM	RICE	
11/17/2006	4:12 PM	Note	LEFT	RICE	
11/8/2006	3:16 PM	Note	NOPE LM AGAIN	RICE	
11/7/2006	2:26 PM	Note	NOT IN	RICE	
9/18/2006	2:21 PM	Note	witrh rep lm clerk	RICE	
9/15/2006	3:32 PM	Note	POHF	RICE	
9/12/2006	3:01 PM	Note	TLM W/MONA/"I'll put order together. Call me Friday and I'll have it ready."	RICE	
8/3/2006	2:42 PM	Note	LM CLERK	RICE	
7/6/2006	12:20 PM	Note	LM W/SELENA/"Mona's at lunch."	RICE	
5/24/2006	3:25 PM	Note	MELISSA NOT THERE ANYWHERE. HER AUNT WAS VAGUE AND SAID SHE'LL TELL MONA	RICE	
5/9/2006	3:14 PM	Note	LM CLERK	RICE	
3/24/2006	1:58 PM	Note	LUNCH	RICE	
3/23/2006	2:52 PM	Note	NOT IN	RICE	
1/26/2006	2:11 PM	Note	LM CLERK	RICE	
10/20/2005	11:31 AM	Note	FAX \$245	RICE	
10/3/2005	1:56 PM	Note	LEFT	RICE	
2/18/2005	3:27 PM	Note	GET \$288 AT MAGIC	RICE	
11/17/2004	3:49 PM	Note	BZY BUT WILL FAX TOM	RICE	
11/15/2004	2:41 PM	Note	OFF	RICE	
11/5/2004	1:57 PM	Note	HAS ORDER WILL FAX BY MON	RICE	
10/20/2004	2:28 PM	Note	WCB PROB MON	RICE	
8/18/2004	9:47 AM	Note	FAXES \$168	RICE	
6/25/2004	3:36 PM	Note	LM W CLERK	RICE	
6/24/2004	3:34 PM	Note	OFF	RICE	
5/25/2004	2:26 PM	Note	BREAK LM	RICE	
4/20/2004	2:46 PM	Note	STILL OK	RICE	
3/2/2004	1:16 PM	Note	GETS \$348 AT MAGIC	RICE	
2/5/2004	3:18 PM	Note	BREAK LM	RICE	
2/3/2004	2:54 PM	Note	IN 10 AM TOM	RICE	
1/21/2004	2:13 PM	Note	ON BREAK	RICE	
11/5/2003	3:08 PM	Note	TOLD CLERK WILL CHECK AND WCB IF NEEDS	RICE	
11/4/2003	2:21 PM	Note	LEFT TIL TOM	RICE	
11/3/2003	2:12 PM	Note	IN TOM	RICE	
9/8/2003	2:20 PM	Note	faxes \$274 tees	RICE	



	Time	Type	Regarding	Record Manager	Attachment
	2:54 PM	Note	TOLD CLERK STILL OK	RICE	
003	3:31 PM	Note	LUNCH	RICE	
4/2003	2:48 PM	Note	SELLING WELL BUT STILL OK	RICE	
2/24/2003	10:35 AM	Note	GETS \$510 AT MAGIC	RICE	
2/24/2003	10:35 AM	Field Changed	Last Results - ORDERED	RICE	
2/24/2003	10:35 AM	Field Changed	ID/Status - CUSTOMER	RICE	

SikWorld Productions

3419 Hancock St.  
San Diego, CA 92110

# Invoice

Date	Invoice #
2/18/2005	70919

<b>Bill To</b>
WINDJAMMER GIFT EMPORIUM 168 SOUTH 'E' STREET SAN BERNARDINO, CA 92401

<b>Ship To</b>

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Shipment
	COD	ZG	3/2/2005	UPS		
Quantity	Item Code	Description			Price Each	Amount
2	8006TL	I'M JUST HERE TO GET LAID T-SHIRT LARGE			8.00	16.00
2	8006TX	I'M JUST HERE TO GET LAID T-SHIRT XL			8.00	16.00
2	8005TL	MANWHORE T-SHIRT LARGE			8.00	16.00
2	8005TX	MANWHORE T-SHIRT XL			8.00	16.00
2	8020TL	I HEART BOOBIES T-SHIRT LARGE			8.00	16.00
2	8020TX	I HEART BOOBIES T-SHIRT XL			8.00	16.00
2	841TL	BIGGEST DICK T-SHIRT LARGE			8.00	16.00
2	841TX	BIGGEST DICK T-SHIRT XL			8.00	16.00
1	822TL	MY BALLS ITCH TSHIRT LARGE			8.00	8.00
2	822TX	MY BALLS ITCH TSHIRT XL			8.00	16.00
1	191TL	EAT SLEEP FUCK T-SHIRT LARGE			8.00	8.00
2	191TX	EAT SLEEP FUCK T-SHIRT XL			8.00	16.00
2	149TL	MY INNER CHILD... T-SHIRT LARGE			8.00	16.00
2	149TX	MY INNER CHILD... T-SHIRT XL			8.00	16.00
2	117TL	I DON'T GIVE ... THINK T-SHIRT LARGE			8.00	16.00
2	117TX	I DON'T GIVE ... THINK T-SHIRT XL			8.00	16.00
2	111TL	FUCK YOU ... FUCK T-SHIRT LARGE			8.00	16.00
2	111TX	FUCK YOU ... FUCK T-SHIRT XL			8.00	16.00
	S/H	SHIPPING AND FONDLING			16.00	16.00
		WHOLESALE EXEMPT FORM Sales Tax			0.00	0.00
Total					\$288.00	

Phone #	Fax #
619.325.4400	619.325.4401



SikWorld Productions

3419 Hancock St.  
San Diego, CA 92110

# Invoice

Date	Invoice #
10/20/2005	74929

<b>Bill To</b>
WINDJAMMER GIFT EMPORIUM 168 SOUTH 'E' STREET SAN BERNARDINO, CA 92401

<b>Ship To</b>

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Shipment
	COD	ZG	11/3/2005	UPS		
Quantity	Item Code	Description	Price Each	Amount		
1	822TM	MY BALLS ITCH TSHIRT MEDIUM	8.00	8.00		
2	822TL	MY BALLS ITCH TSHIRT LARGE	8.00	16.00		
2	822TX	MY BALLS ITCH TSHIRT XL	8.00	16.00		
1	822TD	MY BALLS ITCH TSHIRT XXL	9.00	9.00		
1	870TM	FUCK YOU TOO T-SHIRT MEDIUM	8.00	8.00		
2	870TL	FUCK YOU TOO T-SHIRT LARGE	8.00	16.00		
2	870TX	FUCK YOU TOO T-SHIRT XL	8.00	16.00		
1	870TD	FUCK YOU TOO T-SHIRT XXL	9.00	9.00		
1	894TM	I HEART BIG FAKE TITS T-SHIRT MEDIUM	8.00	8.00		
2	894TL	I HEART BIG FAKE TITS T-SHIRT LARGE	8.00	16.00		
2	894TX	I HEART BIG FAKE TITS T-SHIRT XL	8.00	16.00		
1	894TD	I HEART BIG FAKE TITS T-SHIRT XXL	9.00	9.00		
1	8005TM	MANWHORE T-SHIRT MEDIUM	8.00	8.00		
2	8005TL	MANWHORE T-SHIRT LARGE	8.00	16.00		
2	8005TX	MANWHORE T-SHIRT XL	8.00	16.00		
1	8005TD	MANWHORE T-SHIRT XXL	9.00	9.00		
1	111TM	FUCK YOU ... FUCK T-SHIRT MEDIUM	8.00	8.00		
2	111TL	FUCK YOU ... FUCK T-SHIRT LARGE	8.00	16.00		
2	111TX	FUCK YOU ... FUCK T-SHIRT XL	8.00	16.00		
1	111TD	FUCK YOU ... FUCK T-SHIRT XXL	9.00	9.00		
	S/H	SHIPPING AND FONDLING	17.00	17.00		
		WHOLESALE EXEMPT FORM Sales Tax	0.00	0.00		
					<b>Total</b>	\$262.00

Phone #	Fax #
619.325.4400	619.325.4401

# Invoice

**SikWorld Productions**  
**3419 Hancock St.**  
**San Diego, CA 92110**  
**T - 888.745.6377**  
**F - 619.325.4401**

Date	Invoice #
3/12/2007	91054

<b>Bill To</b>
WINDJAMMER GIFT EMPORIUM 168 SOUTH 'E' STREET SAN BERNARDINO, CA 92401

<b>Ship To</b>

P.O. Number	Terms	Rep	Ship	Via	Shipment	F.O.B.
	COD	ZG	3/13/2007	UPS		

Quantity	Item Code	Description	Price Each	Amount
1	1058TM	NO DUDE SERIOUSLY FUCK YOU T-SHIRT MEDIUM	8.00	8.00T
2	1058TL	NO DUDE SERIOUSLY FUCK YOU T-SHIRT LARGE	8.00	16.00T
2	1058TX	NO DUDE SERIOUSLY FUCK YOU T-SHIRT XL	8.00	16.00T
1	1058TD	NO DUDE SERIOUSLY FUCK YOU T-SHIRT XXL	9.00	9.00T
1	111TM	FUCK YOU ... FUCK T-SHIRT MEDIUM	8.00	8.00T
2	111TL	FUCK YOU ... FUCK T-SHIRT LARGE	8.00	16.00T
2	111TX	FUCK YOU ... FUCK T-SHIRT XL	8.00	16.00T
1	111TD	FUCK YOU ... FUCK T-SHIRT XXL	9.00	9.00T
1	1029TM	I MAY NOT BE MR RIGHT BUT I'LL FUCK YOU UNTIL HE SHOWS UP T-SHIRT MEDIUM	8.00	8.00T
2	1029TL	I MAY NOT BE MR RIGHT BUT I'LL FUCK YOU UNTIL HE SHOWS UP T-SHIRT LARGE	8.00	16.00T
2	1029TX	I MAY NOT BE MR RIGHT BUT I'LL FUCK YOU UNTIL HE SHOWS UP T-SHIRT XL	8.00	16.00T
0	1029TD	I MAY NOT BE MR RIGHT BUT I'LL FUCK YOU UNTIL HE SHOWS UP T-SHIRT XXL	9.00	0.00T
1	1021TM	I'M SURROUNDED BY FUCKIN' IDIOTS T-SHIRT MEDIUM	8.00	8.00T
2	1021TL	I'M SURROUNDED BY FUCKIN' IDIOTS T-SHIRT LARGE	8.00	16.00T
2	1021TX	I'M SURROUNDED BY FUCKIN' IDIOTS T-SHIRT XL	8.00	16.00T
0	1021TD	I'M SURROUNDED BY FUCKIN' IDIOTS T-SHIRT XXL	9.00	0.00T
2	450BO6-12	ARE YOU MY DADDY BABY ONESIE 6-12 MTHS	8.00	16.00T
2	450BO12-18	ARE YOU MY DADDY ? BABY ONESIE 12-18 MTHS	8.00	16.00T
2	432BO6-12	MY DAD CAN KICK YOUR DAD'S ASS BABY ONESIE 6-12 MTHS	8.00	16.00T
2	432BO12-18	MY DAD CAN KICK YOUR DAD'S ASS BABY ONESIE 12-18 MTHS	8.00	16.00T
			<b>Total</b>	



# Invoice

SikWorld Productions  
3419 Hancock St.  
San Diego, CA 92110  
T - 888.745.6377  
F - 619.325.4401

Date	Invoice #
3/12/2007	91054

Bill To
WINDJAMMER GIFT EMPORIUM 168 SOUTH 'E' STREET SAN BERNARDINO, CA 92401

Ship To

P.O. Number	Terms	Rep	Ship	Via	Shipment	F.O.B.
	COD	ZG	3/13/2007	UPS		
Quantity	Item Code	Description			Price Each	Amount
2	453BO6-12	I WANNA ROCK BABY ONESIE 6-12 MTHS			8.00	16.00T
2	453BO12-18	I WANNA ROCK BABY ONESIE 12-18 MTHS			8.00	16.00T
	S/H	SHIPPING AND FONDLING			19.00	19.00
		WHOLESALE EXEMPT FORM Sales Tax			0.00	0.00
					</	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposition No:	91182197
Party:	Compuglobal Hypermeganet Inc.
Correspondence Address:	Jason Chall Sik World Productions 3419 Hancock Street San Diego, Ca 92110
Submission:	Motion For Summary Judgment
Filer's Name:	Jason Chall
Filer's e-mail:	<a href="mailto:jaysun@sikworld.com">jaysun@sikworld.com</a>
Date:	November 4, 2009
Attachments:	sik_world_prod_motion.pdf sik_world_prod_declaration.pdf



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Jason Chall	)	
Compuglobal Hypermeganet Inc,	)	
Opposers,	)	
	)	Opposition No.: 91182197
v.	)	
	)	Mark: Sik Industries
Shelly Bailey,	)	Application Serial Number: 77155690
Applicant.	)	Application Filing Date: April 12, 2007
	)	

**OPPOSER'S MOTION FOR SUMMARY JUDGEMENT**

Pursuant to Rule 56c of the Federal Rules of Civil Procedure and the TBMP Rule 528, Opposers Jason Chall and Compuglobal Hypermeganet Inc (\*Opposers), *pro se*, move for summary judgment in favor of our opposition to the approval of the trademark registration of Sik Industries. Opposers revoke the authority of its representatives. Sik World Productions is a registered trademark and registered Fictitious Business Name (DBA) of Compuglobal Hypermeganet Inc. Sik is a registered trademark of Compuglobal Hypermeganet Inc.

**HISTORY OF SIK WORLD**

Sik World Productions was started during January of 1995. The original concept was to build a clothing company based around the word "Sick" but spelled "Sik" because as fans, we turned the name of the band Kiss backwards and dropped an "s". It worked well because the term at the time was beginning to become associated with the concept of "coolness" or used to describe something that was radical, as in "that shirt is Sik".

The originally registered trademark as "Sik World Productions" was intended to be stated "Sik - World Productions" as in "We produce our Sik clothing all over the world". A copy of the registration, number 2,940,068 along with a printout of our

---

\* The registration that is the basis for this opposition, Registration no. 2,940,068, has been assigned, and said assignment was recorded on April 17, 2008 at Reel 3762 and Frame 0105 in the Office's Assignment Division. Accordingly, Opposer Jason Chall requests that Compuglobal Hypermeganet Inc. be substituted or joined as a party, as appropriate. TBMP 512.01.



Trademark Assignment Assignor Details is submitted herewith as EXHIBIT A. The line was started with many garments such as shirts and shorts that were designed to feature graphic variations of the words "Sik" and sometimes "Sik World Productions" as well as "Sik World". Copies of portions of Sik World Catalogs dated 1999 to the present are shown herewith as EXHIBIT B. We have produced many promotional items since that time as well that often featured the word "Sik", sometimes in the phrase "Sik World" or "Sik World Productions". A copy of samples of Sik World Productions promotional stickers and accessories are shown herewith as EXHIBIT C. For at least the past twelve years, all garments have contained a garment tag or collar tag that features a graphical variation of the word "Sik". A scan of a Sik World Productions collar tag is shown herewith as EXHIBIT D. A Sik, long a common law trademark is now a registered trademark, number 3,582,151 and a copy is attached herewith as EXHIBIT E.

As a company that has been marketed aggressively for over a decade on a large scale via print ads and editorial in many domestic and international publications such as Easyriders and Maxim, it is not unusual for a customer to refer to the company only as "Sik" and not as "Sik World" or "Sik World Productions". We have made an effort to promote a number of variations of our name, which is the primary reason we obtained a registered Trademark on the term "Sik" as well as "Sik World Productions" and plan to proceed to register the trademark "Sik World" as well.

We produce a range of products that include, but are not limited to, T-shirts for men and women, women's underwear, baby clothing, headwear, stickers and a number of accessories that include coffee mugs, shot glasses and greeting cards. We have also produced men's underwear and clothing for dogs in the past as well as many other miscellaneous products. In addition to garments that feature our company name in many variations, we are most well known for producing and marketing t-shirts that feature funny sayings that are often in an adult tone. The main print on each garment includes our copyright and website address (©2009 SIK WORLD PRODUCTIONS [www.sikworld.com](http://www.sikworld.com)) prominently incorporated into the print. In fact, the reason most people know of the company is that each garment has the copyright very visible and sometimes even as large as the print. A scan of a Sik World Productions thong sample is shown herewith as EXHIBIT F.



For over 15 years, our garments have been distributed around the nation, but the earliest customers and our strongest reputation has been in our home region of Southern California. Our national customer base includes but is not limited to surf and skate shops, record shops, smoke shops, adult shops, motorcycle shops, tattoo shops and miscellaneous gift shops. Our aggressive marketing includes four to eight trade shows each year for over ten years, which are often attended by up to one hundred thousand people at each event. Each year we have also attended and exhibited at four to ten regional (Southern California) retail events such as Tattoo Conventions, Bike Rallies and Conventions, as well as Adult Conventions for that same period of time which also have regular traffic up to fifty thousand attendees per event.

The focus of our promotions has been to build relationships with many regional and nationally touring Heavy Metal bands that are collectively seen by many millions of people each year wearing our clothing, often featuring our logos. EXHIBIT G (Band / Celebrity Photos). Often when seen onstage or in photos published in national as well as international periodicals on a regular basis, it is not unusual for the logo to read only "Sik". Because of ten years of product placement, relationships and marketing efforts, Sik World has become well known in the United States to a large group of people, but those people know us as "Sik". It is not exaggeration to claim that since the company began, we have been exposed to hundreds of millions of people around the nation. Many know us as "Sik Clothing". We've never been marketed using "Sik Clothing" but we don't control how people name us, we just can make an effort to let people know about our merchandise and do the best we can to attach our name to it so they remember where it came from if they want more.

#### THE BAILEYS

A few years ago, while arranging promotions for a concert we were supporting with a DJ in San Bernardino, CA (Southern California), on Myspace it was noticed that the same DJ had an affiliation with a company called Sik Industries. Upon investigation, it became apparent that for about one year prior, a woman and her husband in the San Bernardino area had been producing and promoting a line of clothing, primarily T-shirts



for Men and Women. Their garments featured a logo with graphic variations of the word "Sik". The graphics were not similar to the garments that we produced, but it would be easy for a person to be confused by the fact that both companies were producing T-shirts with the word "Sik" as the main image. The concern at the time was that we were spending time and money to promote a concert so we could reach people in the area who were familiar with our name, but became worried that our efforts would end up to be publicizing the other company called "Sik" instead. If the DJ mentioned our name on the air, and also mentioned the name of the other company, how would the listeners know the difference?

March 29, 2007, a message was sent to the owner of Sik Industries via Myspace to discuss the matter and to request that they consider a name change and invited them to contact me to discuss the matter. EXHIBIT H (original message to the Baileys). Immediately following the message on Myspace, a phone call was received from Brett Bailey. During our discussion our position was explained, the company's history and concluded with a very pleasant request that they consider a change of their name. Brett asked that an alternative be considered. After consideration was made and an alternative solution was not found, Brett Bailey was contacted again on April 9, 2007 via email with a restating of the original request. EXHIBIT I (follow up to the Baileys). The response to that request was that the Bailey's submitted their Sik Industries mark for a Trademark registration April 12, 2007.

#### THE ARGUMENT

As this process has revealed, the Bailey's claim that they should be granted a Trademark because they feel their mark is significantly different from the Trademarks currently held by Compuglobal Hypermegnet Inc. They maintain three unsupported arguments, each with major flaws. The first claim is that their registration does not include the word "Sik". Instead, they feel that the fact that they spell Sik with a backwards "k" makes their word significantly different from our name Sik.

When spoken, both are the same word. When written by hand or graphically, they appear different, but when typed, it is impossible to type Sik with a backwards "k".



Any typed instance of their name as "Sik" will be identical to our registered Trademark "Sik". Both situations will cause confusion in our market, which is also the same.

Their second claim is that Sik Industries targets all ages and focuses on Surf and Skate shops, they continue that claim to say that my company is only for adults and not sold in Surf and Skate shops or to kids. Though it is true that Sik World Productions makes an effort to target our goods to an adult market, we do have a strong younger audience. We also have been known to have our goods carried in a number of Surf and Skate shops around the country. Further evidence of confusion is that, two of the three shops that have carried Sik Industries, Windjammer Gift Emporium in San Bernardino and F&A Smoke Shop in Yucaipa, were already customers of Sik World Productions when they also started to carry Sik Industries. One of those customers, Windjammer Gift Emporium in San Bernardino, based on their inventory and record keeping, had no way to tell the difference between the two companies, each being recorded on their inventory and invoiced as "Sik". A copy of the Windjammer consignment history of Sik Industries is shown herewith as EXHIBIT J. A copy of phone contact records and invoice history from Sik World Productions for Windjammer Gift Emporium are shown herewith as EXHIBIT K. When product runs out in that shop, it could be difficult for the clerk to know which Sik company to contact for a re-order. It is possible that a T-shirt or Sweatshirt order could be erroneously placed to Sik Industries when meant for Sik World Productions.

Their final argument claims that their merchandise features graphical versions that include the word "Sik" while our merchandise is sayings and that the word "Sik" only appears in small letters as part of the copyright. Beside the fact that our copyright has come to be part of our designs / sayings, we also have regularly produced garments that feature the words "Sik", "Sik World" and "Sik World Productions" since our company began fifteen years ago. Copies of Sik World Productions catalogs dating between 1999 and 2009 are shown herewith as EXHIBIT B featuring clips of old and new logo based garments circled in red.



### LIKELIHOOD OF CONFUSION

The word "Sik" is still the word "Sik" regardless how the letters are turned for the graphic version of a logo. In type, the words are identical. When spoken between friends or on the radio, the words "Sik" and "'Sik' with a backwards 'k'" are identical. If Sik Industries is granted a registered trademark, it will be easy for our shared target audience to mistake the difference between the two companies and their products.

If the case arose that a soda beverage company made an attempt to apply for a trademark for Coke Soda, but on their can, the letter 'k' was reversed, would you register their mark or refuse because it is too similar to one of the many currently registered trademarks held by Coca-Cola? Would it matter to you what size either company printed their name on their product or who they felt their target market was supposed to be?

For the past fifteen years we have built a national and international reputation for selling T-shirts for men and women. Sik Industries sells T-shirts for men and women. We hold a registered trademark for the word "Sik" which we feature in a variety of graphical versions on the garments we produce and market nationally. Sik Industries holds no trademarks, but they produce and market garments that feature the word "Sik" in a variety of graphic versions. If Sik Industries is granted a registered trademark, it will be easy for our shared target audience to mistake the difference between the two companies.

For over fifteen years, we have sold our brand of merchandise in many types of shops around the country including smoke shops, biker shops, tattoo parlors, surf and skate shops and adult shops. Recently Sik Industries has been selling their clothing to a few smoke shops and surf and skate shops in their home area. Two of the three shops Sik Industries has sold to, Windjammer Gift Emporium and F&A Smoke Shop, have been our customers for many years prior. Confusion between our brands is not only possible but it currently exists in the two stores who were selling goods from both companies.

Beside those examples, it will be difficult for most people not already familiar with either company to know that a difference between the companies exists. It is because of these reasons that the approval of a Trademark for Sik Industries will dilute our registered trademarks and brand while causing damage to opposers and the reputation we have spent fifteen years and millions of dollars to build and sustain.



### FRAUD CLAIM

Furthermore, it is necessary to note again that the applicant applied for a trademark registration as a reaction to my stated opposition via email and acknowledged by the Bailey's with a phone call and conversation, which means that they willfully committed perjury when applying to register their trademark as they signed claiming that they were not aware of any opposition to the registration of their mark at the time of their application.

### CONCLUSION

For the foregoing reasons, opposers request that the Board make a summary judgment in favor of our opposition to your approval of the Bailey's application for a registered trademark for Sik Industries. Based on the items mentioned, it is possible to avoid an unnecessary trial as there is no evidence provided by the applicant to support its arguments and that each argument the applicant has suggested has been shown to be without foundation or value in terms of significant differences between our multiple trademark registrations and the one that they would like to register.

Respectfully submitted,

JASON CHALL

COMPUGLOBAL HYPERMEGANET INC.

Date Nov 4, 2009

By



Jason Chall  
President/Compuglobal Hypermeganet Inc.  
3419 Hancock Street  
San Diego, California 92110  
619-325-4400

**CERTIFICATE OF MAILING AND SERVICE**


I certify that on November 4, 2009, the foregoing **OPPOSER'S MOTION FOR SUMMARY JUDGEMENT** is being sent electronically to:

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on November 4, 2009, the foregoing **OPPOSER'S MOTION FOR SUMMARY JUDGEMENT** is being served by mailing a copy thereof by first-class mail addressed to:

Shelley Bailey  
34038 Nebraska Lane  
Yucaipa, California 92399-2334

By \_\_\_\_\_

  
Jason Chall  
President/Compuglobal Hypermeganet Inc.  
3419 Hancock Street  
San Diego, California 92110  
619-325-4400